

## SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

### I. Project Information

**A. Project name:** Low-Effect Habitat Conservation Plan for Gaver Ranch in Castroville, Monterey County, California.

**B. Covered species:** Federally threatened California red-legged frog (*Rana draytonii*), and California tiger salamander (*Ambystoma californiense*).

**C. Project size (in stream miles and acres):** Drainage improvements, maintenance activities, and habitat restoration on two adjacent parcels (APNs 133-012-001 and 133-012-007), which together measure 342 acres. Project implementation would result in the disturbance of 9.5 acres of CRLF and CTS habitat.

### D. Brief project description including minimization and mitigation plans:

#### Purpose, Need, and Duration

Mr. Erik Roget of Midnight Sun, Inc. II (applicant) is seeking an incidental take permit (ITP), under Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as amended (Act), for take of the federally threatened California red-legged frog and California tiger salamander. Impacts to the subject species would result from on-going agricultural activities and restoration of portions of the site.

A 20-year permit term is requested to address incidental take of the California red-legged frog and California tiger salamander, which are likely to result from implementation of the project. The project involves three components related to on-going agricultural activities on the site. The first component entails the restoration of the primary agricultural drainage traversing a portion of the site, including implementation of permanent erosion control measures, removal of excessive accumulated sediments, and replanting of native vegetation. The second component involves an array of drainage improvements to smaller channels that are tributaries to the primary channel, as well as improving strategically placed detention basins and catchments to control erosion and capture sediment and stormwater to prevent on- and off-site flooding. The third component involves on-going, long-term maintenance of sediment and vegetation within on-site tributaries.

Conservation measures to avoid and minimize impacts to these species during project implementation include providing species sensitivity training, monitoring construction, and relocating individuals of the covered species if they are encountered in an area to be impacted. To offset species habitat impacts, the applicant proposes to restore and maintain 8.9 acres of on-site habitat for the covered species, as well as provide funding for the preservation and management of habitat for both species at an off-site mitigation bank. The parcels are currently active agricultural fields and are zoned for this use. The requested permit term is 20 years.

### Covered Lands

The site address is 15740 Blackie Road, near the towns of Castroville and Prunedale in Monterey County, California. Project activities would occur within an approximately 24.45-acre portion of the 342-acre Gaver Ranch. Within this area, project implementation is anticipated to impact approximately 9.5 acres of suitable habitat for the subject species.

### Species Occupation and Baseline

The project site is located within an active agricultural operation, which contains agricultural ponds, ephemeral waterways, riparian vegetation and relatively undisturbed grasslands. Both species are known to exist on-site as determined through previous surveys. Additionally, suitable breeding habitat for both species exists on site within the agricultural ponds. As such, the applicant has determined that approximately 8.9 acres of suitable upland and/or dispersal habitat for both species would be impacted by the proposed project. Approximately 0.51-acre of aquatic non-breeding habitat for the species would also be impacted by the proposed project.

### Goals and Objectives for CTS and CRLF

Goal 1: Avoid and minimize take of the California tiger salamander and California red-legged frog within the proposed project site.

Objective 1.1: Conduct vegetation and sediment removal, as well as non-critical erosion repair during the dry season to reduce impacts to the covered species.

Objective 1.2: Avoid work around catchment basins and former irrigation ponds where the covered species are likely to take refuge during the dry season.

Objective 1.3: Conduct maintenance activities only as often as is required to prevent catastrophic failures that would lead to the closure of county roads, endangerment of life, or property surrounding the Plan Area.

Goal 2: Provide On-Site Mitigation to Offset Impacts.

Objective 2.1: Plant approximately 1,120 willow poles along 11,200 linear feet (approximately 8.9 acres) of drainage channel banks.

Goal 3: Provide Off-Site Mitigation to Offset Impacts.

Objective 3.1: Purchase 1.5 acres of multi-species credits at the Sparling Ranch Conservation Bank to offset 0.51-acre of impacts to 0.51-acre of non-breeding aquatic habitat.

### Project Description, Avoidance and Minimization, Mitigation

Gaver Ranch is an approximately 342-acre agricultural site located in unincorporated Monterey County near the community of Castroville, California. Project activities associated with on-going

agricultural operations would occur within a 24.45-acre portion of the site. Within this area, project implementation is anticipated to impact approximately 9.5 acres of suitable habitat for the subject species.

This HCP's conservation strategy includes the following measures designed to avoid and minimize the proposed project's impacts on the California red-legged frog and California tiger salamander.

1. Prior to starting work, the applicant will obtain approval from the Service of any biologists they request to survey, handle, and relocate the covered species.
2. A qualified biologist will be on-site daily when ground-disturbing activities occur in relation to any covered activity. A qualified biologist or biological monitor will conduct compliance inspections and monitor work to: (1) minimize incidental take of the covered species; (2) check for compliance with all measures of the HCP as well as other project permits; (3) provide environmental awareness training to all employees; (4) ensure that signs, stakes, and fencing are intact, and that covered activities are only occurring within the designated project area. The biologist and/or biological monitor will have the authority to immediately stop any activity that does not comply with the measures set forth in the HCP and may recommend reasonable measures to avoid take of an individual of the covered species.
3. The biologist or biological monitor will prepare daily written observation and inspection records summarizing survey results, monitoring activities, and observations of covered species during covered activities.
4. Prior to starting work on any covered activity, the biologist or biological monitor will conduct an education program for all persons employed or otherwise working in the Plan Area. The presentation shall cover: visual identification of the species, as well as a discussion of the ecology, distribution, habitat needs, sensitivity to human activities, legal protections for the species, penalties for violations, and project-specific protection measures. The same presentation shall be provided to any new workers before they are authorized to perform work in the project area.
5. No more than 14 days prior to initiation of ground-disturbing activities, the qualified biologist shall survey all portions of the work area for the covered species. These surveys shall provide visual coverage of the work area and a 50-foot buffer zone. If any life stages (adults, eggs, or larvae) of the covered species are found, the qualified biologist will relocate them from the work area in accordance with the Relocation Plan.
6. The qualified biologist shall flag any potentially suitable small mammal burrows identified during preconstruction surveys within any portion of a work area, or its 50-foot buffer zone. When feasible, an avoidance buffer of 50 feet or greater around small mammal burrows shall be maintained. If burrows are unable to be avoided, then excavation should occur according to protocols outlined in the Relocation Plan.

7. Prior to beginning work each day, the qualified biologist and/or biological monitor shall survey the work area for the covered species.
8. Any project personnel will immediately notify the qualified biologist if a covered species is observed during a project-related activity or if a covered species is otherwise found dead or injured within the vicinity of the project area. A Service-approved biologist will then relocate or otherwise collect the individual pursuant to the conditions outlined in the Relocation Plan.
9. For non-emergency work and to the extent possible during emergency work, all construction activities shall be limited to daylight hours (sunrise to sunset). If work must continue into the night in response to an emergency event, it will be conducted with extreme caution to minimize impacts to covered species during nocturnal hours.
10. Applicant shall confine all project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to the project area utilizing, to the extent possible, previously disturbed areas.
11. Fill, grading, excavation other ground-disturbing activities within or immediately adjacent to the covered species' potential breeding habitat will be confined to the dry season, except for activities required due to a threat to life and/or property.
12. Erosion control materials which contain monofilament netting (erosion control matting) or similar material, in potential covered species' habitat, will be prohibited.
13. Stockpiles shall be fully stabilized, or placed where soil cannot pass into potential breeding habitat for either species. Stockpiles shall be appropriately protected to prevent soil erosion.
14. The applicant will ensure that trash and food items are contained in animal proof containers and removed at least once a week to avoid attracting opportunistic predators which may incidentally prey upon covered species.

To compensate for the unavoidable impacts to covered species habitat, the applicant will purchase 1.5 acres of covered species credits from the Sparling Ranch Conservation Bank in San Benito County, California. Additionally, the applicant will plant and maintain approximately 1,120 willow poles along 11,200 linear feet (approximately 8.9 acres) of on-site drainage channel banks.

The applicant commits to fund all elements of the proposed conservation strategy, including compliance and effects monitoring. Monitoring results will be provided in reports to the Service as specified in the HCP.

## **II. Does the HCP fit the following low-effect criteria?**

**A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the minimization and mitigation measures?**

Yes. The effects of the proposed project on California tiger salamander and California red-legged frog are minor and negligible. This conclusion is based on the following:

1. The small size of habitat disturbance. The proposed project would periodically disturb, over a twenty-year period, 8.9 acres of California tiger salamander and California red-legged upland/dispersal habitat, and 0.51-acre of non-breeding aquatic habitat for the species.
2. The condition of habitat within the proposed project area. Habitat in the project area has been previously degraded as it is located within an active agricultural operation. Under existing conditions, drainages within the project area are likely utilized by the covered species primarily as dispersal habitat. The proposed project area is of marginal long-term conservation value for the covered species; therefore, the proposed project is not expected to affect species persistence or recovery.

**B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures?**

Yes, we expect effects on other environmental values and resources will be minor or negligible. Effects to cultural resources are not expected as the site has been previously disturbed by agricultural activities. If previously unidentified prehistoric or historic archaeological resources or paleontological resources are encountered during project construction, all work will stop and appropriate notification and determination of significance will take place. Effects associated with the project for visual resources, air quality and greenhouse gas emissions, geology and soils, hydrology and water quality, land use and planning, noise, transportation and traffic, and utilities and service systems are anticipated to be minor or negligible. The proposed project is not anticipated to have any effect associated with agricultural resources, hazards or hazardous materials, mineral resources, population and housing, public services, or recreation.

**C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources that would be considered significant?**

Yes. Significant cumulative effects on the covered species are not anticipated to occur as a result of this HCP, or combined with the impacts of past, present, or reasonably foreseeable projects. The habitat within the proposed work area is minimal, and restoration activities may contribute to improved environmental conditions.

**III. Do any of the exceptions to categorical exclusions apply to this HCP? (form 516 DM 2, Appendix 2)**

**Would implementation of the HCP:**

**A. Have significant adverse effects on public health or safety?**

No. The HCP has been developed in association with restoration, drainage improvement, and maintenance activities on agricultural land in an area of similar uses. Hazardous materials will not be used. The covered activities will not have any adverse impact on public health and safety and is, in fact, designed to improve public safety by ensuring that flood waters can move through the site and downstream in a safe manner.

**B. Have adverse effects on such unique geographic characteristics such as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds, and other ecologically significant or critical areas?**

No. The proposed project is located in an agricultural area and the project area will continue to be used as such. The project area does not support unique geographic characteristics such as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds, or other ecologically significant or critical areas.

**C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?**

No. The proposed project is consistent with the all zoning laws, ordinances, regulations, and policies, and is consistent with surrounding agricultural uses. We do not anticipate any controversial environmental effects.

**D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?**

No. The proposed project is limited in size and scope and includes only restoration, drainage improvements, and maintenance activities. We do not anticipate that this would result in uncertain effects or unknown risks.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. As discussed, the proposed project is limited in size and scope, is located in an agricultural area, and will remain in agricultural use. The HCP does not establish a precedent for future actions or represent a decision in principle about future actions that will potentially cause significant environmental effects.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

No. The proposed project includes drainage improvements and habitat restoration within the Gaver Ranch agricultural operation, and is not related to any other action. We are not aware of any future actions directly related to the HCP; therefore, significant cumulative effects are not anticipated.

**G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?**

No. The barns and associated structures located on the agricultural property would not be altered or removed, and are not listed as historic buildings by the California State Parks Office of Historic Preservation, California Register of Historic Resources, or National Register of Historic Places.

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species or have significant impacts on designated Critical Habitat for these species?**

No. This project will result in disturbance of 9.1 acres of degraded habitat for the covered species. The HCP contains conservation measures that are intended to avoid and minimize impacts to the covered species. The project is anticipated to have a negligible effect on the long-term persistence of covered species in and around the project area. Designated critical habitat is not located within the project area.

**I. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.**

No. The HCP will fulfill Federal environmental compliance. This project has undergone California Environmental Quality Act review pursuant to State, and local environmental laws and requirements. Tribal land will not be affected.

**J. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).**

No. Restoration, drainage improvements, and maintenance activities on agricultural land will not affect low income or minority populations.

**K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian**

**religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).**

No. Ceremonial or sacred sites do not occur on the proposed project site and will not be affected by implementation of the HCP.

**L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).**

No. Restoration activities will include the planting of native species only. Best management practices to avoid the introduction of noxious weeds will be implemented as is standard for such actions. Avoidance and minimization measures include surveys for and removal of bullfrogs (*Lithobates catesbeianus*), as outlined in the HCP.



#### IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the HCP for Gaver Ranch qualifies for a categorical exclusion as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*.

Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1; 516 DM 6, Appendix 1; and 516 DM 8.5(C)(2).

Other supporting documents: Low-Effect Habitat Conservation Plan for Gaver Ranch in Castroville, Monterey County, California. January 2018.

Concurrence:

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Stephen P. Henry  
Field Supervisor

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Date